

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 KENNETH MARTINEZ,

1:02-cv-06619-REC-LJO-P

12 Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS** (Doc. 75)

13 vs.

14 J. CATHEY, SGT., et al.,

**ORDER GRANTING MOTION FOR
SUMMARY JUDGMENT** (Doc. 55)

15 Defendants.

**ORDER DIRECTING CLERK OF COURT
TO ENTER JUDGMENT FOR
DEFENDANTS**

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18 Plaintiff, Kenneth Martinez ("plaintiff"), a state prisoner
19 proceeding pro se and in forma pauperis, has filed this civil
20 rights action seeking relief under 42 U.S.C. § 1983. The matter
21 was referred to a United States Magistrate Judge pursuant to 28
22 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

23 On February 7, 2006, the Magistrate Judge filed Findings and
24 Recommendations herein which were served on the parties and which
25 contained notice to the parties that any objections to the
26 Findings and Recommendations were to be filed within thirty (30)
27 days. To date, the parties have not filed objections to the
28 Magistrate Judge's Findings and Recommendations.

1 In accordance with the provisions of 28 U.S.C.
2 § 636(b) (1) (C) and Local Rule 73-305, this Court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the Court finds the Findings and Recommendations to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendations, filed February 7,
8 2006, are ADOPTED IN FULL;

9 2. Defendant's motion for summary judgment, filed December
10 8, 2004, is GRANTED; and,

11 3. The Clerk of the Court is directed to enter judgment
12 for defendants.

13 IT IS SO ORDERED.

14 **Dated: March 20, 2006**
668554

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16 **/s/ Robert E. Coyle**
17 UNITED STATES DISTRICT JUDGE

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